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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,691	03/02/2000	Miek Dekeyser	Q058016	5083

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/517,691	DEKEYSER, MIEK <i>(D)</i>
	Examiner	Art Unit
	Annan Q Shang	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 March 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao (5,940,738).

As to claim 1, note the Rao reference figures 2 and 9, 12 and 14, discloses a method and apparatus for statistical multiplexing to optimize usage of output bandwidth of broadcast equipment, such as Nvod servers and MPEG multiplexers architecture for distributing of digital information to subscriber units where selection from multiple digital services is accomplished by transmitting a tuning command from the subscriber unit to an intermediate interface where the intermediate interface selects the desired service from a broadband network and transmits it to the subscriber unit over a bandwidth-constrained access line and further discloses a broadcasting unit for broadcasting in an access network channels of a distributive interactive service to a plurality of user terminals, the broadcasting unit comprising; the claim "channel selecting means...." is met by Scheduler 1402 of figure 14, note col. 15 lines 38-53 and col. 19, lines 6-32, note that the scheduler selects amongst available channels at an input of the

broadcasting unit, where statistical multiplexing is employed to preserve bandwidth, note that NVOD server 1100, is implemented in the various figures as "Video Pedestal Network" or "VPN" or "Video Pedestal" or "VP", etc., note figure 11, lines 15-31, col. 18. In one embodiment, example figure 8, VPN 800 is implemented as NVOD 1100, does not broadcast all the 480 channels but filters out channels based the total capacity of the network, note col. 15, lines 15-25, col. 16, lines 55-61, and also based on demanded channels, note col. 19, lines 6-31; the claim "channel broadcasting means..." is met by Multiplexer 1400, which is coupled to the channel selections means, 1106 and adapted to broadcast the channels to the user terminals, subscribers, via the Network Adaptation Unit 1408, note col. 22, lines 30-41, which is a "request receiving means...." and adapted to receive from one of the user terminals, subscribers, the first type request information indicative for at least one requested channel, note also col. 18, lines 38-53, note that the network adaptation unit 1408 performs similar functions as the network adaptation unit 1108 of NVOD server 1100 receives and transmits request to the various subscribers; the claim "request handling means...." is met by request processor 1406, which is coupled between the request receiving means 1408, and control input of the channel selecting means 1402, and is adapted to interpret the first type request information and control the channel selecting means to select the at least one requested channel, note col. 22, lines 48-63, note that "request processor receives at least one request from a subscriber..." characterized in that the request handling means further is adapted to check whether the at least one request channel is available at the input of the broadcasting unit, note col. 22, lines 48-63, the claim "request

generating means..." is inherent to the request processor 1406, which is coupled to the request handling means, request processor 1406, and adapted to generate, in case the at least one request channel is not available at the input of the broadcasting unit, a second type request information indicative for the unavailable requested channel, note figure 9 and col. 15, lines 57-col. 16, 30 and line 47-col. 17, line 4, note that in an alternative embodiment VPN 900 includes a service provider 902 and VPs 906, 908, 910 and 912 which are "pseudo-servers for NVOD and maintains a list of channels currently being used and which are not used, note col. 16, lines 42-46, and if "a request from the subscriber unit for a particular program is bounce back sequentially from right to left...until it reaches a VP which is already filtering the requested program through its output, and "request transmitting means..." is inherent to the various VPs coupled to the request handling means and adapted to transmit the second type request information to another broadcasting unit, VPs 906, 908, 910 and 912, note figure 9 and col. 16, lines 47-col. 17, line 4.

As to claim 2, Rao inherently teaches a broadcasting unit where the request generating means is adapted to generate the second type request information in accordance with a standard zapping protocol already used for the first request information, note col. 16, lines 47-col. 17, line 4 and col. 19, lines 21-31.

As to claim 3, Rao further discloses a broadcasting unit where the request generating means is adapted to generate the second type request information in accordance with a standard signaling protocol, note col. 20, lines 43-60.

As to claim 4, Rao further discloses an access network enabled to broadcast channels of a distributive interactive service to a plurality of user terminals, the access comprising a plurality of broadcasting units, note figure 9, organized in a multi-level topology, note col. 16, lines 47-col. 17, line 4.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kwok et al (6,510,157) disclose a dynamic ATM connection management in a hybrid fiber-coax cable network.

Itoh et al (6,487,719) disclose a method and apparatus for monitoring TV channel selecting status.

Suzuki (6,401,243) discloses two-way information transmission system, two-way information transmission method and subscriber terminal.

Adams (6,378,130) discloses a media server interconnect architecture.

Ihara (6,266,813) discloses a digital broadcasting system and digital broadcasting method.

Wakai et al (5,973,722) disclose a combined digital audio/video on demand and broadcast distribution system.

Arsenault et al (5,886,995) disclose a dynamic mapping of broadcast resources.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang  
February 7, 2003



JOHN MILLER  
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